

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ALFREDO C. MICHEL, Register No. 1005390,)
et al.,)

Plaintiffs,)

v.)

DAVID DORMIRE, et al.,)

Defendants.)

No. 08-4070-CV-C-SOW

ORDER

On May 14, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiffs' claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of May 14, 2008, is adopted. [5] It is further

ORDERED that plaintiff Alfredo Michel is denied leave to proceed in forma pauperis and his claims are dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g). It is further

ORDERED that the claims of Mauricio Michel are dismissed, without prejudice, for failure to comply with the filing requirements set forth in Fed. R. Civ. P. 11(a) and 28 U.S.C. §§ 1914 and 1915. It is further

ORDERED that the claims of Maria Laura Cisneros are dismissed, without prejudice, for failure to comply with the filing requirements set forth in 28 U.S.C. §§ 1914 and 1915.

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: June 16, 2008